

Case 1:07-cv-10531-AKH Document 268-1 Filed 01/10/14 Page 1 of 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS MUÑOZ, INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS SIMILARLY SITUATED,

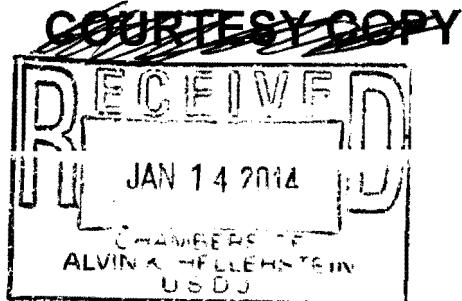
Plaintiffs,

v.

CHINA EXPERT TECHNOLOGY, INC.; PKF NEW  
YORK, CERTIFIED PUBLIC ACCOUNTANTS, A  
PROFESSIONAL CORPORATION; PKF HONG KONG,  
CERTIFIED PUBLIC ACCOUNTANTS; AND BDO  
MCCABE LO LIMITED CERTIFIED PUBLIC  
ACCOUNTANTS,

Defendants.

Case No.: 07-cv-10531 (AKH)



~~PROPOSED~~ ORDER AWARDING LEAD COUNSEL'S ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND AWARD TO PLAINTIFFS

WHEREAS, the Court has granted final approval to the Settlement of the above-referenced class action;

WHEREAS, Lead Counsel, The Rosen Law Firm, P.A., appointed by the Court as Lead Counsel for the purposes of the Settlement and have petitioned the Court for the award of attorneys' fees in compensation for the services provided to Plaintiffs and the Class along with reimbursement of expenses incurred in connection with the prosecution of this action, and a nominal award to each of Plaintiffs, to be paid out of the Settlement Fund established pursuant to the Settlement;

WHEREAS, capitalized terms used herein having the meanings defined in the Stipulation and Agreement of Settlement filed dated June 13, 2013 (the "Agreement"); and

WHEREAS, the Court has reviewed the fee application and the supporting materials filed therewith, and has heard the presentation made by Lead Counsel during the final approval hearing on the 5<sup>th</sup> day of February, 2014, and due consideration having been had thereon.

NOW, THEREFORE, it is hereby ordered:

1. The Rosen Law Firm P.A. is awarded 25% of the Settlement Fund as attorneys' fees in this action, together with a proportionate share of the interest earned on the fund, at the same rate as earned by the balance of the fund, from the date of the establishment of the fund to the date of payment.

2. Lead Counsel shall be reimbursed out of the Settlement Fund in the amount of \$743,994.17 for its expenses and costs.

3. Class Representatives Basil Hantash, Joseph Nunn, and Kenneth Price shall be awarded in total \$5,000 each for an incentive fee award and reimbursement for their lost time and wages in connection with his prosecution of this action.

4. Except as otherwise provided herein, the attorneys' fees, reimbursement of expenses, and award to Plaintiffs shall be paid in the manner and procedure provided for in the Agreement.

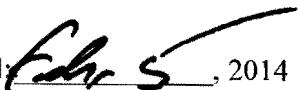
5. In making this award of attorneys' fees and reimbursement of expenses to be paid from the Settlement Fund, the Court has considered and found that:

(a) the Settlement has created a fund of \$4,200,000 in cash, plus interest to be earned thereon; and Class members who file timely and valid claims will benefit from the Settlement created by Lead Counsel;

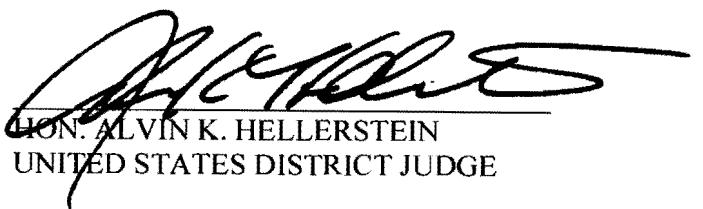
(b) 9,580 copies of the Notice were disseminated to putative class members indicating that at the February 5, 2014 hearing, Lead Counsel intended to seek a fee of up to

25% of the Settlement Fund in attorneys' fees, reimbursement of their litigation expenses in an amount not to exceed \$755,000, and an award to Lead Plaintiffs not to exceed \$15,000.

- (c) the Publication Notice was published electronically on *Globenewswire* and printed in the *Investor's Business Daily* as required by the Court;
- (e) Lead Counsel has conducted this litigation and achieved the Settlement;
- (f) the litigation of this action involved complex factual and legal issues and was actively prosecuted since its filing on and in the absence of a Settlement, this action would have continued to involve complex factual and legal questions;
- (g) if Lead Counsel had not achieved the Settlement, there was a risk of either a smaller or no recovery;
- (h) Lead Counsel has devoted 4,909.25 hours of professional time, with a lodestar value of \$2,279,502 to achieve the Settlement, which amounts to a .46 lodestar multiplier, and
- (i) the amount of attorneys' fees awarded and expenses reimbursed from the Settlement Fund and the awards to Lead Plaintiffs are consistent with the awards in similar cases.

Dated: , 2014

SO ORDERED:

  
HON. ALVIN K. HELLERSTEIN  
UNITED STATES DISTRICT JUDGE